

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. ADLER,

Plaintiff,

-against-

PAYWARD, INC. d/b/a KRAKEN,

Defendant.

Case No. 1:18-cv-08100

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR CLERK'S
CERTIFICATE OF DEFAULT**

Civil Action

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ROGER K. MARION, being duly sworn, deposes and says:

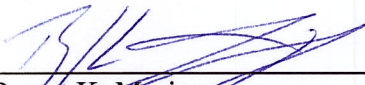
1. I am Roger K. Marion, Esq., counsel for Plaintiff in this action. I respectfully submit this affidavit, based upon my personal knowledge, in support of Plaintiff's request for the Clerk's Certificate of Default, which we respectfully request.

2. The party against whom a notation of default is sought, Payward, Inc. is not an infant, in the military, or an incompetent person, because it is a corporation.

3. The pleading to which no response has been made, the Complaint, was properly served, in that Payward Inc., through its in-house counsel, agreed as permitted by F.R.Civ.P. 5(b)(1) and F.R.Civ.P. 5(b)(2)(E-F) in writing, to receive the Summons and Complaint, and received the pleadings.

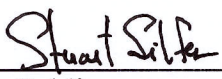
4. The written and executed acceptance of service by in-house counsel for Payward, Inc. is set forth in the executed Acknowledgement of Service that said counsel sent to to me, which is at page 2 of Clerk's Certificate of Default annexed hereto at Exhibit A.

5. Payward, Inc. has failed to plead, answer, move with respect to the complaint, or otherwise defend the action, and the time to answer or otherwise move with respect to the complaint herein has expired and has not been extended.



Roger K. Marion

Sworn to and signed before me by
Roger Marion, known to me on this
17th day of October, 2018



Notary Public

STUART SILFEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02SI3665736
Qualified in Nassau County
My Commission Expires April 30, 2019